

REMARKS

Claims 1-16 have been examined. Claims 1 and 5 have been amended, and new claims 17-19 have been amended. Reconsideration of the claims, as amended, is respectfully requested.

Claim Rejections – 35 USC 102

Claims 1-4 and 15 have been rejected under 35 USC 102(b) as being anticipated by Yamazaki. This rejection is respectfully traversed in part and overcome in part.

As now amended, claim 1 claims a metal identification platelet equipped with an identification code that comprises a hologram. Further, the identification code comprises a passage-shaped hole that is located within an outer periphery of the platelet and that passes entirely through the platelet. Merely by way of example, the passage-shaped hole could be in the shape of an alphanumeric character. Hence, the platelet of claim 1 includes both a hologram and an additional “shape feature” that comprises a shaped hole through the platelet.

In contrast to the platelet of claim 1, the Yamazaki reference includes no description of a holograph with such a shaped hole and therefore does not anticipate claim 1. In the office action, reference is made to the process of figures 12, 13A and 13B, with a recitation that these figures “meet the limitation of the methods claims and claim 1.”

Applicants respectfully disagree and believe that this statement may be based on only a partial or machine translation of Yamazaki. As such, accompanying this amendment is a translated copy of Yamazaki.

With reference to the attached translation, *Yamazaki* teaches the production of a metal hologram, where another scattering pattern is superposed. For example, a nickel copy of a hologram may be produced from the embodiment of Fig. 4. To this can be added an extra visual feature. Thus, Yamazaki generally teaches the use of multiple patterns that can be used and their visual difference, as well as a method of producing these patterns. This is clear from Fig. 5B where the scattering pattern is made by way of a mask 51, 51a, and this finally creates a “new” original hologram master, the so-called board, see Fig. 6. This board is essentially one hologram

overexposed with another hologram. However, no openings or through holes exist in this board as is clearly illustrated in Fig. 6. A standard replication process is then applied. Figs. 13A, B then describe an overprint with white (scatter like) color ink. Hence, nowhere in Yamazaki is there any teaching of a metal platelet having both a hologram and a shaped hole that passes through the platelet.

Indeed Yamazaki teaches the copying of the entire master/board, but this board does not have any shaped holes that pass through the board. Thus, and as just described, the embodiments shown in Figs. 6, 7a/b and 8a/b/c and the accompanying text does not show the production of a metal platelet with both a hologram and a shaped passage extending through the platelet. While Yamazaki may disclose the production of copy molds for quick/cost-effective reproduction of holographic elements, these reproductions do not have the limitations found in claim 1 as just described. As such, the statement in the office action that: "The process of figures 12, 13A and 13B meets limitation of the method claims and claim 1" is not correct.

Hence, claim 1 which has been amended to include such limitations is distinguishable and in condition for allowance. Claims 3 and 4 depend from claim 1 and are distinguishable for at least the same reasons.

Independent claim 15 claims a metal identification platelet equipped with an identification code, wherein the identification code comprises a hologram, and wherein the identification code further comprises a shaped hole extending through the platelet. As just described, nowhere in Yamazaki is there any teaching of such a platelet, especially with a shaped hole extending through the platelet. Because Yamazaki fails to teach this limitation, claim 15 is distinguishable without amendment. Indeed, in rejecting claim 15, there is no mention in the office action as to where Yamazaki teaches this limitation.

Claim Rejections – 35 USC 103

Claims 1-5, 9, 12, 13 and 15 have been rejected under 35 USC 103(a) as being obvious in view of Horst. This rejection is respectfully traversed. As previously described, one feature of independent claims 1, 5, and 15 is the inclusion of a hole that extends through the metal platelet. Nowhere is this limitation found in Horst. Indeed, the office action recognizes

this fact, yet takes the position that a change of size or shape is a design choice available to one skilled in the art.

This position ignores the limitation in the claims regarding a passage shaped hole extending through the platelet. This limitation in the claims is not a mere change in size or shape relative to the prior art. Rather, this is a limitation that is missing from Horst. As such, claims 1, 3-5, 9, 12, 13 and 15 are distinguishable and in condition for allowance.

Claims 1-6, 8, 9, 11-13 and 15-16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki in view of Gale, Mallik and Schaefer. As previously described, independent claims 1, 5 and 15 are distinguishable over Yamazaki. Because the Gale, Mallik and Schaefer references also fail to teach the limitations of the independent claims, claims 1, 5, 15 and 16 are distinguishable. More specifically, Gale describes the partial etching of a structure and fails to teach any type of passage shaped hole that extends through the platelet as now claimed in claims independent claims 1, 5, 15 and 16.

Mallik describes a sandwich structure, with the hologram effectively located on a different substrate. Nowhere in Mallik is there any teaching of a shaped passage hole as now claimed. Finally, Yang relates to a painted product having circular grooves which are not part of the final product. As such, the structure referred to in Yang is far different from the platelet of claims 1, 5, 15 and 16.

The painting in Yang simply penetrates the metallic strips. Yang contains no teaches of platelet particles. Hence, the combination of Yang and Yamazaki fails to teach all of the limitations of claims 1, 5, 15 and 16. As such, independent claims 1, 5, 15 and 16, and claims 3, 4, 6, 8, 9, 11-13 and 16 are distinguishable and in condition for allowance.

Claims 1-9, 11-13 and 15-16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki in view of Gale, Mallik and Schaefer and further in view of Folger. The rejection in view of Yamazaki in view of Gale, Mallik and Schaefer was discussed above. Because the Folger reference also fails to teach the shaped hole that extends through the platelet of independent claims 1, 5, 15 and 16, claims 1-9, 11-13 and 15-16 are distinguishable for at least the reasons previously recited.

Claims 1-13 and 15-16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki in view of Gale, Mallik and Schaefer, Folger and further in view of Sakurai. The rejection in view of Yamazaki in view of Gale, Mallik, Schaefer and Folger was discussed above. Because the Sakurai reference also fails to teach the passage shaped holes passing through the platelet as claimed in independent claims 1, 5, 15 and 16, claims 1, 3-13 and 15-16 are distinguishable for at least the reasons previously recited.

Claims 1-6, 8, 9 and 11-16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki in view of Gale, Mallik, Schaefer and Hirose. The rejection in view of Yamazaki, Gale, Mallik and Schaefer was discussed above. Because the Hirose reference also fails to teach the passage shaped hole extending through the platelet of independent claims 1, 5, 15 and 16, claims 1, 3-6, 8, 9 and 11-16 are distinguishable for at least the reasons previously recited.

Claims 1-3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Faris, Steenblik and Kaule. As previously described, independent claim 1 has been amended to recite the passage shaped hole that extends through the platelet in addition to the hologram. Nowhere in Yang is such a shaped hole in combination with a hologram taught. Because Faris, Steenblik and Kaule also fail to teach such limitations, claims 1 and 3 are distinguishable and in condition for allowance.

Double Patenting

Claims 1-4 and 15 have been provisionally rejected on ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-46 of copending Application No. 12/439638. It is applicants' intent to file an appropriate terminal disclaimer once one of the applications receives a notice of allowance in the event that the rejection remains proper.

Added Claims

Claims 17 and 18 have been added to depend from claims 1 and 5 and include further distinguishing limitations originally found in claims 1 and 5. Claim 19 has been added to

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recite that the hologram surrounds the shape hole on all sides. As this limitation is not found in the cited art, claim 19 is distinguishable.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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